

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

ANTIONETTE A.
BAYLETS-HOLSINGER,
Plaintiff,
v.

THE PENNSYLVANIA
STATE UNIVERSITY,

Defendant.

No. 4:18-CV-00060

(Judge Brann)

(Magistrate Judge Carlson)

ORDER

MAY 7, 2019

On March 22, 2019, Magistrate Judge Martin C. Carlson recommended that this Court dismiss Count III of Plaintiff's Second Amended Complaint. No timely objections were filed to that Report and Recommendation, which this Court has reviewed. Because no clear error appears on the face of the record, **IT IS HEREBY ORDERED** that:

1. The Report and Recommendation, ECF No. 35, is **ADOPTED IN ITS ENTIRETY**.
2. Defendant's Motion to Dismiss, ECF No. 31, is **GRANTED**, and Count III of Plaintiff's Second Amended Complaint, ECF No. 28, is **DISMISSED AS FOLLOWS**:

- a. To the extent this Count is based on Pennsylvania's Whistleblower Law, the claim is **DISMISSED WITH PREJUDICE**.
 - b. To the extent this Count is based on the First Amendment, the claim is **DISMISSED WITHOUT PREJUDICE**.
3. Plaintiff may amend her complaint to satisfy the deficiencies in her First Amendment claim, as identified by Magistrate Judge Carlson in his Report and Recommendation. Any amended complaint, however, must be filed **NO LATER THAN MAY 17, 2019**, and **NO FURTHER AMENDMENTS WILL BE PERMITTED**.
4. If Plaintiff fails to amend her complaint by May 17, 2019, Defendant **SHALL ANSWER** the Second Amended Complaint no later than May 31, 2019.
5. This case is remanded to Magistrate Judge Carlson for further pretrial proceedings.

BY THE COURT:

s/ Matthew W. Brann
Matthew W. Brann
United States District Judge